

### **Amendments to the Claims**

*Please amend the claims as follows:*

1. (Withdrawn) An isolated nucleic acid molecule comprising a nucleotide sequence selected from the group consisting of:
  - (a) the nucleotide sequence as set forth in SEQ ID NO: 1, SEQ ID NO: 4, or SEQ ID NO: 7;
  - (b) the nucleotide sequence of the DNA insert in ATCC Deposit Nos. PTA-3109, PTA-3110, or PTA-3111;
  - (c) a nucleotide sequence encoding the polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;
  - (d) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of any of (a) - (c); and
  - (e) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (c).
  
2. (Withdrawn) An isolated nucleic acid molecule comprising a nucleotide sequence selected from the group consisting of:
  - (a) a nucleotide sequence encoding a polypeptide which is at least about 70 percent identical to the polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;
  - (b) a nucleotide sequence encoding an allelic variant or splice variant of the nucleotide sequence as set forth in any of SEQ ID NO: 1, SEQ ID NO: 4, or SEQ ID NO: 7, the nucleotide sequence of the DNA insert in ATCC Deposit Nos. PTA-3109, PTA-3110, or PTA-3111, or the nucleotide sequence of (a);
  - (c) a region of the nucleotide sequence of any of SEQ ID NO: 1, SEQ ID NO: 4, or SEQ ID NO: 7, the DNA insert in ATCC Deposit Nos. PTA-3109, PTA-3110, PTA-3111, or the nucleotide sequence of (a), or (b) encoding a polypeptide fragment of at least about 25 amino acid residues, wherein the polypeptide fragment has an activity of the encoded polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8, or is antigenic;

(d) a region of the nucleotide sequence of any of SEQ ID NO: 1, SEQ ID NO: 4, or SEQ ID NO: 7, the nucleotide sequence of the DNA insert in ATCC Deposit Nos. PTA-3109, PTA-3110, or PTA-3111, or any of (a) - (c) comprising a fragment of at least about 16 nucleotides;

(e) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (a) - (d); and

(f) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (d).

3. (Withdrawn) An isolated nucleic acid molecule comprising a nucleotide sequence selected from the group consisting of:

(a) a nucleotide sequence encoding a polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8 with at least one conservative amino acid substitution, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;

(b) a nucleotide sequence encoding a polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8 with at least one amino acid insertion, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;

(c) a nucleotide sequence encoding a polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8 with at least one amino acid deletion, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;

(d) a nucleotide sequence encoding a polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8 which has a C- and/or N-terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;

(e) a nucleotide sequence encoding a polypeptide as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8 with at least one modification selected from the group consisting of amino acid substitutions, amino acid insertions, amino acid deletions, C-terminal truncation, and N-terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;

(f) a nucleotide sequence of any of (a) - (e) comprising a fragment of at least about 16 nucleotides;

(g) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (a) - (f); and

(h) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (e).

4. (Withdrawn) A vector comprising the nucleic acid molecule of any of Claims 1, 2, or 3.

5. (Withdrawn) A host cell comprising the vector of Claim 4.

6. (Withdrawn) The host cell of Claim 5 that is a eukaryotic cell.

7. (Withdrawn) The host cell of Claim 5 that is a prokaryotic cell.

8. (Withdrawn) A process of producing an ABCL polypeptide comprising culturing the host cell of Claim 5 under suitable conditions to express the polypeptide, and optionally isolating the polypeptide from the culture.

9. (Currently Amended) A polypeptide produced by ~~the a process of Claim 8 comprising culturing a host cell containing a vector, wherein the vector comprises a nucleic acid molecule comprising a nucleotide sequence selected from the group consisting of:~~

(a) the nucleotide sequence as set forth in SEQ ID NO: 4;

(b) the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110;

(c) a nucleotide sequence encoding the polypeptide as set forth in SEQ ID NO: 5;

(d) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of any of (a) - (c);

(e) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (c)

(f) a nucleotide sequence encoding a polypeptide which is at least about 70 percent identical to the polypeptide as set forth in SEQ ID NO: 5, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;

- (g) a nucleotide sequence encoding an allelic variant or splice variant of the nucleotide sequence as set forth in SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110, or the nucleotide sequence of (f);
- (h) a region of the nucleotide sequence of SEQ ID NO: 4, the DNA insert in ATCC Deposit No. PTA-3110, or the nucleotide sequence of (f), or (g) encoding a polypeptide fragment of at least about 25 amino acid residues, wherein the polypeptide fragment has an activity of the encoded polypeptide as set forth in SEQ ID NO: 5, or is antigenic;
- (i) a region of the nucleotide sequence of SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110, or any of (f) - (h) comprising a fragment of at least about 16 nucleotides;
- (j) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (f) - (i);
- (k) a nucleotide sequence complementary to the nucleotide sequence of any of (f) - (i)
- (l) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one conservative amino acid substitution, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (m) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid insertion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (n) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid deletion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (o) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 which has a C- and/or N- terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (p) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one modification selected from the group consisting of amino acid substitutions, amino acid insertions, amino acid deletions, C-terminal truncation, and N-terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;

(q) a nucleotide sequence of any of (l) - (p) comprising a fragment of at least about 16 nucleotides;

(r) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (l) - (q); and

(s) a nucleotide sequence complementary to the nucleotide sequence of any of (l) - (p).

under suitable conditions to express the polypeptide, and optionally isolating the polypeptide from the culture.

10. (Withdrawn) The process of Claim 8, wherein the nucleic acid molecule comprises promoter DNA other than the promoter DNA for the native ABCL polypeptide operatively linked to the DNA encoding the ABCL polypeptide.

11. (Withdrawn) The isolated nucleic acid molecule according to Claim 2, wherein the percent identity is determined using a computer program selected from the group consisting of GAP, BLASTN, FASTA, BLASTA, BLASTX, BestFit, and the Smith-Waterman algorithm.

12. (Withdrawn) A process for determining whether a compound inhibits ABCL polypeptide activity or ABCL polypeptide production comprising exposing a cell according to any of Claims 5, 6, or 7 to the compound and measuring ABCL polypeptide activity or ABCL polypeptide production in said cell.

13. (Currently Amended) An isolated polypeptide comprising the amino acid sequence selected from the group consisting of:

(a) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~ and

(b) the amino acid sequence encoded by the DNA insert in ATCC Deposit Nos. ~~PTA-3109, PTA-3110, or PTA-3111.~~

14. (Currently Amended) An isolated polypeptide comprising the amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence as set forth in ~~either SEQ ID NO: 3 or~~ SEQ ID NO: 6, optionally further comprising an amino-terminal methionine;
- (b) an amino acid sequence for an ortholog of ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~
- (c) an amino acid sequence which is at least ~~about~~ 70 percent identical to the amino acid sequence of ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8,~~ wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~
- (d) a fragment of the amino acid sequence set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ comprising at least ~~about~~ 25 contiguous amino acid residues, wherein the fragment has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8,~~ or is antigenic; and
- (e) an amino acid sequence for an allelic variant or splice variant of the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8,~~ the amino acid sequence encoded by the nucleotide sequence of the DNA insert in ATCC Deposit Nos. PTA-3109, PTA-3110, or PTA-3111, or the amino acid sequence of any of (a) - (c).

15. (Currently Amended) An isolated polypeptide comprising the amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ with at least one conservative amino acid substitution, wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~
- (b) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ with at least one amino acid insertion, wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~
- (c) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ with at least one amino acid deletion, wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8;~~

(d) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ that has a C- and/or N- terminal truncation, wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~; and

(e) the amino acid sequence as set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~ with at least one modification selected from the group consisting of amino acid substitutions, amino acid insertions, amino acid deletions, C-terminal truncation, and N-terminal truncation, wherein the polypeptide has an activity of the polypeptide set forth in ~~any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8~~.

16. (Currently Amended) An isolated polypeptide encoded by ~~the~~ a nucleic acid molecule of ~~any of Claims 1, 2, or 3,~~ comprising a nucleotide sequence selected from the group consisting of:

- (a) the nucleotide sequence as set forth in SEQ ID NO: 4;
- (b) the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110;
- (c) a nucleotide sequence encoding the polypeptide as set forth in SEQ ID NO: 5;
- (d) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of any of (a) - (c);
- (e) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (c)
- (f) a nucleotide sequence encoding a polypeptide which is at least about 70 percent identical to the polypeptide as set forth in SEQ ID NO: 5, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (g) a nucleotide sequence encoding an allelic variant or splice variant of the nucleotide sequence as set forth in SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110, or the nucleotide sequence of (f);
- (h) a region of the nucleotide sequence of SEQ ID NO: 4, the DNA insert in ATCC Deposit No. PTA-3110, or the nucleotide sequence of (f), or (g) encoding a polypeptide fragment of at least about 25 amino acid residues, wherein the polypeptide fragment has an activity of the encoded polypeptide as set forth in SEQ ID NO: 5, or is antigenic;
- (i) a region of the nucleotide sequence of SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-3110, or any of (f) - (h) comprising a fragment of at least about 16 nucleotides;

- (j) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (f) - (i);
- (k) a nucleotide sequence complementary to the nucleotide sequence of any of (f) - (i)
- (l) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one conservative amino acid substitution, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (m) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid insertion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (n) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid deletion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (o) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 which has a C- and/or N- terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (p) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one modification selected from the group consisting of amino acid substitutions, amino acid insertions, amino acid deletions, C-terminal truncation, and N-terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (q) a nucleotide sequence of any of (l) - (p) comprising a fragment of at least about 16 nucleotides;
- (r) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of any of (l) - (q); and
- (s) a nucleotide sequence complementary to the nucleotide sequence of any of (l) - (p).

wherein the polypeptide has an activity of the polypeptide set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8.

17. (Original) The isolated polypeptide according to Claim 14, wherein the percent identity is determined using a computer program selected from the group consisting of GAP, BLASTP, FASTA, BLASTA, BLASTX, BestFit, and the Smith-Waterman algorithm.

18. (Withdrawn) A selective binding agent or fragment thereof which specifically binds the polypeptide of any of Claims 13, 14, or 15.

19. (Withdrawn) The selective binding agent or fragment thereof of Claim 18 that specifically binds the polypeptide comprising the amino acid sequence as set forth in any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8, or a fragment thereof.

20. (Withdrawn) The selective binding agent of Claim 18 that is an antibody or fragment thereof.

21. (Withdrawn) The selective binding agent of Claim 18 that is a humanized antibody.

22. (Withdrawn) The selective binding agent of Claim 18 that is a human antibody or fragment thereof.

23. (Withdrawn) The selective binding agent of Claim 18 that is a polyclonal antibody or fragment thereof.

24. (Withdrawn) The selective binding agent Claim 18 that is a monoclonal antibody or fragment thereof.

25. (Withdrawn) The selective binding agent of Claim 18 that is a chimeric antibody or fragment thereof.

26. (Withdrawn) The selective binding agent of Claim 18 that is a CDR-grafted antibody or fragment thereof.

27. (Withdrawn) The selective binding agent of Claim 18 that is an antiidiotypic antibody or fragment thereof.

28. (Withdrawn) The selective binding agent of Claim 18 that is a variable region fragment.

29. (Withdrawn) The variable region fragment of Claim 28 that is a Fab or a Fab' fragment.

30. (Withdrawn) A selective binding agent or fragment thereof comprising at least one complementarity determining region with specificity for a polypeptide having the amino acid sequence of any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8.

31. (Withdrawn) The selective binding agent of Claim 18 that is bound to a detectable label.

32. (Withdrawn) The selective binding agent of Claim 18 that antagonizes ABCL polypeptide biological activity.

33. (Withdrawn) A method for treating, preventing, or ameliorating an ABCL polypeptide-related disease, condition, or disorder comprising administering to a patient an effective amount of a selective binding agent according to Claim 18.

34. (Withdrawn) A selective binding agent produced by immunizing an animal with a polypeptide comprising an amino acid sequence of any of SEQ ID NO: 2, SEQ ID NO: 5, or SEQ ID NO: 8.

35. (Withdrawn) A hybridoma that produces a selective binding agent capable of binding a polypeptide according to any of Claims 13, 14, or 15.

36. (Withdrawn) A method of detecting or quantitating the amount of ABCL polypeptide using the anti-ABCL antibody or fragment of Claim 18.

37. (Withdrawn) A kit for detecting or quantitating the amount of ABCL polypeptide in a biological sample, comprising the selective binding agent of Claim 18.

38. (Original) A composition comprising the polypeptide of any of Claims 13, 14, or 15, and a pharmaceutically acceptable formulation agent.

39. (Original) The composition of Claim 38, wherein the pharmaceutically acceptable formulation agent is a carrier, adjuvant, solubilizer, stabilizer, or anti-oxidant.

40. (Original) The composition of Claim 39, wherein the polypeptide comprises the amino acid sequence as set forth in either SEQ ID NO: 3 or SEQ ID NO:6.

41. (Original) A polypeptide comprising a derivative of the polypeptide of any of Claims 13, 14, or 15.

42. (Original) The polypeptide of Claim 41 that is covalently modified with a water-soluble polymer.

43. (Original) The polypeptide of Claim 42, wherein the water-soluble polymer is selected from the group consisting of polyethylene glycol, monomethoxy-polyethylene glycol, dextran, cellulose, poly-(N-vinyl pyrrolidone) polyethylene glycol, propylene glycol homopolymers, polypropylene oxide/ethylene oxide co-polymers, polyoxyethylated polyols, and polyvinyl alcohol.

44. (Withdrawn) A composition comprising a nucleic acid molecule of any of Claims 1, 2, or 3 and a pharmaceutically acceptable formulation agent.

45. (Withdrawn) The composition of Claim 44, wherein said nucleic acid molecule is contained in a viral vector.

46. (Withdrawn) A viral vector comprising a nucleic acid molecule of any of Claims 1, 2, or 3.

47. (Original) A fusion polypeptide comprising the polypeptide of any of Claims 13, 14, or 15 fused to a heterologous amino acid sequence.

48. (Original) The fusion polypeptide of Claim 47, wherein the heterologous amino acid sequence is an IgG constant domain or fragment thereof.

49. (Withdrawn) A method for treating, preventing, or ameliorating a medical condition comprising administering to a patient the polypeptide of any of Claims 13, 14, or 15, or the polypeptide encoded by the nucleic acid of any of Claims 1, 2, or 3.

50. (Withdrawn) A method of diagnosing a pathological condition or a susceptibility to a pathological condition in a subject comprising:

(a) determining the presence or amount of expression of the polypeptide of any of Claims 13, 14, or 15, or the polypeptide encoded by the nucleic acid molecule of any of Claims 1, 2, or 3 in a sample; and

(b) diagnosing a pathological condition or a susceptibility to a pathological condition based on the presence or amount of expression of the polypeptide.

51. (Withdrawn) A device, comprising:

(a) a membrane suitable for implantation; and

(b) cells encapsulated within said membrane, wherein said cells secrete a protein of any of Claims 13, 14, or 15; and

said membrane is permeable to said protein and impermeable to materials detrimental to said cells.

52. (Withdrawn) A method of identifying a compound which binds to an ABCL polypeptide comprising:

- (a) contacting the polypeptide of any of Claims 13, 14, or 15 with a compound; and
- (b) determining the extent of binding of the ABCL polypeptide to the compound.

53. (Withdrawn) The method of Claim 52, further comprising determining the activity of the polypeptide when bound to the compound.

54. (Withdrawn) A method of modulating levels of a polypeptide in an animal comprising administering to the animal the nucleic acid molecule of any of Claims 1, 2, or 3.

55. (Withdrawn) A transgenic non-human mammal comprising the nucleic acid molecule of any of Claims 1, 2, or 3.

56. (Withdrawn) A process for determining whether a compound inhibits ABCL polypeptide activity or ABCL polypeptide production comprising exposing a transgenic mammal according to Claim 55 to the compound, and measuring ABCL polypeptide activity or ABCL polypeptide production in said mammal.

57. (Withdrawn) A nucleic acid molecule of any of Claims 1, 2, or 3 attached to a solid support.

58. (Withdrawn) An array of nucleic acid molecules comprising at least one nucleic acid molecule of any of Claims 1, 2, or 3.